

Herbert A. Viergutz, Esq.
Barokas Martin & Tomlinson
1029 West Third, Suite 280
Anchorage, AK 99501
Phone: (907) 276-8010
Facsimile: (907) 276-5334

Attorneys for United States Fidelity and Guaranty Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE**

UNITED STATES OF AMERICA for the use of NORTH
STAR TERMINAL & STEVEDORE COMPANY, d/b/a
NORTHERN STEVEDORING & HANDLING, and NORTH
STAR TERMINAL & STEVEDORE COMPANY, d/b/a
NORTHERN STEVEDORING & HANDLING, on its own
behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of SHORESIDE
PETROLEUM, INC., d/b/a MARATHON FUEL SERVICE,
and SHORESIDE PETROLEUM, INC., d/b/a
MARATHON FUEL SERVICE, on its own behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER ROCK
PRODUCTS, INC.; UNITED STATES FIDELITY AND
GUARANTY COMPANY; and ROBERT A. LAPORE,

Defendants.

No. 3:98-cv-9 (TMB)

AFFIDAVIT OF COUNSEL

BAROKAS MARTIN & TOMLINSON
1029 West Third, Suite 280
Anchorage, Alaska 99501
Phone: (907) 276-8010
Fax: (907) 276-5334

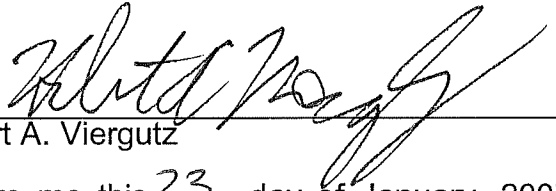
STATE OF ALASKA
THIRD JUDICIAL DISTRICT } ss.

Herbert A. Viergutz, being first duly sworn upon oath, deposes and states as follows:


1. I am counsel of record for USF&G, in the above captioned matter.
2. I herein request that I be allowed to participate telephonically in the Hearing scheduled for January 24, 2007.
3. My son broke his back in a sledding accident over the weekend and is in need of supervised care at this time. I would appreciate being able to participate telephonically at the Hearing while being able to care for him.

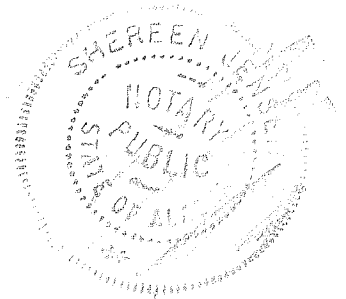
FURTHER YOUR AFFIANT SAYETH NAUGHT.

Dated this 23 day of January, 2007.


Herbert A. Viergutz

SUBSCRIBED AND SWORN TO before me this 23 day of January, 2007.


Notary Public in and for Alaska
My Commission Expires: 11-17-10



BAROKAS MARTIN & TOMLINSON
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Fax: (907) 276-5334

CERTIFICATE OF SERVICE

THEREBY CERTIFY that a copy of this document
was served by electronic notification on this 23rd
day of January, 2007, to:

Michael W. Sewright, Esq.
Burr, Pease & Kurtz
810 N Street
Anchorage, AK 99501

Paul Stockler, Esq.
1309 West 16th Avenue
Anchorage, AK 99501

Tom Krider, Esq.
Traeger Machetanz, Esq
Oles Morrison Rinker & Baker, LLP
745 4th Avenue, Suite 502
Anchorage, AK 99501-2136

Steven J. Shamburek, Esq.
Law Office of Steven J. Shamburek
425 G Street, Suite 630
Anchorage, AK 99501-5872

/s Herbert A. Viergutz

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Anchorage, Alaska 99501
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